

Amend Section 101218.1 to read:

101218.1 ADMISSION PROCEDURES AND PARENTAL AND
AUTHORIZED REPRESENTATIVE'S RIGHTS

101218.1

- (a) In accordance with the child care center's individual program, policies and needs, the licensee shall develop, implement and maintain an admission procedure that enables the person in charge of admissions to:
 - (1) Determine that the child meets the child care center's admission criteria.
 - (2) Conduct one or more personal interviews with the child's parent or authorized representative that meets the following requirements:
 - (A) Enables the person responsible for admissions to understand the state of the child's health and physical and emotional development, and to assess whether the child care center can meet the child's needs.
 - (B) Provides the child's parent or authorized representative with information about the child care center that shall at least include the child care center's admission policies and procedures, activities, services, regulations, hours and days of operation, fees, procedures to be followed should the child become ill or injured while at the child care center, and procedures for conducting inspections for illness. (Continued)
- (b) At the time of acceptance of each child in care, the licensee shall inform each child's parent or authorized representative of his/her rights that include, but are not limited to, the following:
 - (1) To enter and inspect the child care center in accordance with Health and Safety Code Section 1596.857.
 - (2) To file a complaint against the licensee with the local licensing office in accordance with Health and Safety Code Section 1596.853.
 - (3) To review the child care center's public file kept by the local licensing office in accordance with Health and Safety Code Section 1596.859.
 - (4) To review at the child care center, reports of licensing visits and substantiated complaints against the licensee made during the last three years in accordance with Health and Safety Code Section 1596.859.
 - (5) To complain to the local licensing office and inspect the child care center without discrimination or retaliation in accordance with Health and Safety Code Section 1596.857.

- (6) To request in writing that a parent not be allowed to visit a child or take a child from the child care center provided the custodial parent has shown a certified copy of a court order pursuant to Health and Safety Code Section 1596.857.
 - (7) To receive from the licensee upon request the name, address and telephone number of the local licensing office in accordance with Health and Safety Code Section 1596.874.
 - (8) To be informed by the licensee, upon request, of the name and type of association to the child care center for any adult who has been granted a criminal record exemption, and that the name of the person may also be obtained by contacting the local licensing office.
- (c) The licensee shall post the PUB 393 (8/02), Child Care Center Notification of Parents' Rights Poster in a prominent, publicly accessible area in the child care center at all times.
 - (d) The licensee shall provide to the parent or authorized representative the LIC 995E (8/02), Caregiver Background Check Process form. (Continued)
 - (e) At the time of acceptance of each child into care and for all children in care on August 7, 2002, the licensee shall give each parent or authorized representative a copy of the Notification of Parents' Rights (LIC 995 [8/02]) and the LIC 995E, Caregiver Background Check Process form.
- (1) The licensee shall request the child's parent or authorized representative to sign and date the acknowledgement-of-receipt statement at the bottom of the LIC 995 (8/02). The bottom portion of this form must be kept in the child's file as proof that the parent or authorized representative has been notified of his or her rights by the child care center and received a copy of the LIC 995E, Caregiver Background Check Process form.
 - (2) Whenever a parent or authorized representative makes a request pursuant to Section 101218.1(b)(8), the child care center shall note, date, and initial the request in the child's file. The child care center shall request that the parent or authorized representative also initial the notation documenting the request.
 - (3) Failure by the licensee to comply with the requirements in Sections 101218.1(b)(8), (c), (d), (e), (e)(1), or (e)(2) shall subject the licensee to civil penalties pursuant to Section 101195.

Authority Cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.72, 1596.73, 1596.81, 1596.853, 1596.857, 1596.859, 1596.874, 1597.05, and 1597.07, Health and Safety Code.

Amend Section 102419 to read:

102419 ADMISSION PROCEDURES AND PARENTAL AND AUTHORIZED 102419
REPRESENTATIVE'S RIGHTS

- (a) The licensee shall inform parents or authorized representatives of children in care of their rights, which include, but are not limited to, the following:
 - (1) To enter and inspect the family child care home in accordance with Health and Safety Code Section 1596.857.
 - (2) To file a complaint against the licensee with the local licensing office in accordance with Health and Safety Code Section 1596.853.
 - (3) To review the family child care home's public file kept by the local licensing office in accordance with Health and Safety Code Section 1596.859.
 - (4) To review at the family child care home, reports of licensing visits and substantiated complaints against the licensee made during the last three years in accordance with Health and Safety Code Section 1596.859.
 - (5) To complain to the local licensing office and inspect the family child care home without discrimination or retaliation in accordance with Health and Safety Code Section 1596.857.
 - (6) To request in writing that a parent not be allowed to visit a child or take a child from the family child care home, provided the custodial parent has shown a certified copy of a court order pursuant to Health and Safety Code Section 1596.857.
 - (7) To receive from the licensee the name, address and telephone number of the local licensing office in accordance with Section 1596.874.
 - (8) To be informed by the licensee, upon request, of the name and type of association to the family child care home for any adult who has been granted a criminal record exemption, and that the name of the person may also be obtained by contacting the local licensing office.
- (b) The licensee shall post the PUB 394 (8/02), Family Child Care Home Notification of Parents' Rights Poster in a prominent, publicly accessible area in the family child care home at all times children are in care.
- (c) The licensee shall provide to the parent or authorized representative the LIC 995E (8/02), Caregiver Background Check Process form.
- (d) At the time of acceptance of each child into care and for all children in care on August 7, 2002, the licensee shall provide the child's parent or authorized representative with a copy

of the notice form LIC 995A (8/02), Family Child Care Home Notification of Parents' Rights and the LIC 995E, Caregiver Background Check Process form.

- (1) The licensee shall request the child's parent or authorized representative to sign and date the bottom portion of the notice form LIC 995A (8/02), which acknowledges that the parent or authorized representative has received and read the LIC 995A. The bottom portion of this form must be kept in the child's file as proof that the parent or authorized representative has been notified of his or her rights and received a copy of the LIC 995E, Caregiver Background Check Process form.
- (2) Whenever a parent or authorized representative makes a request pursuant to Section 102419(a)(8), the licensee shall note, date, and initial the request in the child's file. The licensee shall request that the parent or authorized representative also initial the notation documenting the request.
- (3) Reserved
 - (A) Upon a finding of noncompliance with a plan of correction for violation of Sections 102419(a)(8), (b), (c), (d), (d)(1), or (d)(2), the Department shall impose a civil penalty of fifty dollars (\$50) per day until the deficiency is corrected.
 - (B) Regardless of whether the licensee complies with an initial plan of correction in the time allotted, if the licensee subsequently violates any provision of Sections 102419(a)(8), (b), (c), (d), (d)(1), or (d)(2) within 12 months of the initial citation, the Department shall assess a civil penalty of \$150 plus an assessment of \$50 per day until the deficiency is corrected.
 - (C) Regardless of whether the licensee complies with the deficiency in Section 102419(b)(3)(B), if the licensee subsequently violates any provision of Sections 102419(a)(8), (b), (c), (d), (d)(1), or (d)(2) within 12 months of the citation and assessment in Section 102419(b)(3)(B), the Department shall assess a civil penalty of \$150 plus an assessment of \$150 per day until the deficiency is corrected.
- (e) Upon presenting identification, the parent or authorized representative of a child in care has the right to enter and inspect the family child care home without advance notice during the family child care home's normal operating hours.
 - (1) When inspecting the family child care home, the parent or authorized representative shall be respectful of the children's routines and programmed activities.
- (f) No family child care home shall discriminate or retaliate against any child or any child's parent or authorized representative because the parent or authorized representative has exercised his or her right to inspect the family child care home or has lodged a complaint with the Department against the family child care home.

- (1) If the licensee denies a parent or authorized representative the right to enter and inspect the family child care home or retaliates against any child or any child's parent or authorized representative, the Department shall issue the licensee a warning citation. (Continued)
- (3) The person present who is in charge of the family child care home shall determine whether to deny access to the following: (Continued)
 - (B) A parent who is subject to a court order denying him/her contact with the child if so requested by the child's parent or authorized representative.
- (g) If a child's parent or authorized representative refuses to sign the LIC 995A (8/02), a dated notation to that effect, containing the parent or authorized representative's name and telephone number, shall be kept in the child's record.

Authority Cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.72, 1596.73, 1596.853, 1596.857, 1596.859, 1596.872, 1596.874, 1597.07, 1597.30, and 1597.56, Health and Safety Code.

Amend Section 102421 to read:

102421 CHILD'S RECORDS

102421

- (a) The licensee shall maintain, in each child's record, the signed and dated notice form required in Section 102419(d). (Continued)
- (c) In any case in which a licensee releases a minor to a peace officer pursuant to Section 305 of the Welfare and Institutions Code, the licensee shall provide the peace officer with the address and telephone number of the minor's parent or authorized representative in order to enable the peace officer to make the notification required by Section 308 of the Welfare and Institutions Code.

Authority Cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.72, 1596.73, 1596.857, 1596.872, 1596.876 and 1597.30, Health and Safety Code.